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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/534,527   | 05/11/2005  | Jurgen Feix          | 7-4222              | 4504             |
| 22209  | 7590        | 11/19/2007           | EXAMINER            |                  |
| HOOKER & HABIB, P.C.<br>100 CHESTNUT STREET<br>SUITE 304<br>HARRISBURG, PA 17101 |             |                      | LE, MARK T          |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3617                |                  |
|  |             |                      | MAIL DATE           | DELIVERY MODE    |
|  |             |                      | 11/19/2007          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/534,527

Applicant(s)

FEIX ET AL.

Examiner

Mark T. Le

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3,7,8,11-13,15-17,19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9,10,14 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's election without traverse of Species III, claims 4-6, 9-10, 14 and 18, in the reply filed on September 26, 2007 is acknowledged. However, an examination of claims 4-6 would also require considering claims 1-2; therefore, claims 1-2 are also included in this examination.

2. In claim 4, line 2, "the clamping force" should be changed to -- the clamping pressure-- so as to maintain a consistency between claims 2 and 4.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 9-10, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over European reference EP 0 987 370 in view of Japanese reference 09037413.

The European reference discloses a functional plane beam similar to that recited in the instant claims, including slide surface at 24, lateral guide flange at 25, a stator beam receiving stator packet 26, a mounting flange above the stator beam and associated with bolts 16. It is noted that the stator packet 26 of the European reference is mounted by an associated U-shaped part of the stator beam without the associated bore and holding unit as recited in the instant claims. However, Applicant should consider the mounting of stator packet 33 of the Japanese reference that includes bolts 334 (holding unit) extending through a bore that penetrates the stator packet. In view of the Japanese reference, it would have been obvious to one skilled in the art to mount the stator packet of the European reference with the use of a holding unit extending through the bore in the stator packet, similar to that taught by the Japanese reference, so as to provide a secure connection between the stator packet and the structure that holds or suspends the stator packet. In modifying the structure of the European reference, it would have been obvious to one skilled in the art to extend the holding flanges of the structure that engage the sides of stator packet 26 of the European reference sufficiently long so as to accommodate bolts (holding unit) in a manner similar to that the supporting flanges 333 of the Japanese reference receive bolts 334.

Regarding the instant claimed clamping plates, as recited in instant claim 2, consider supporting flanges (clamping plates) 333 of the Japanese reference, and the similar supporting flanges in the structure of the European reference, as modified, which are similar to supporting flanges or clamping plates 333 of the Japanese reference.

Regarding the instant claimed U-shaped structural member, as recited in instant claims 9 and 18, consider Figure 9 of the European reference; wherein, the stator beam includes the mounting structure for holding the stator packet, and said mounting structure is a U-shaped structural member, which has been modified as described above to include two arms that extend long enough to accommodate mounting/clamping bolts for securing the stator packet to the U-shaped member.

Regarding the instant claimed press-fit, as recited in instant claim 10, note that the application of bolt and nut 334 or the similar feature in the structure of the European reference, as modified, is readable as press-fit, as broadly claimed.

5. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri, between 8:15-4:45 (teleworking).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Le/  
Mark Tuan Le - Primary Examiner  
Art Unit 3617